

REMARKS

This amendment is responsive to the Office Action mailed July 17, 2006 in connection with the above-identified patent application. Claim 1 has been amended. Claims 2, 4-6, 10-12, 14, 15 and 18-25 have been cancelled. Claims 16, 17 and 26-33 have been withdrawn. Pending claims 1, 3, 7-9 and 13 are in condition for allowance.

The Office Action mailed July 17, 2006 has been carefully reviewed along with the references cited therein.

Election/Restriction

Claims 16-17 and 26-33 stand withdrawn because the Examiner indicated they are directed to an invention that is independent or distinct from the invention originally claimed.

Regarding the restriction and withdrawal of claims 16-17 and 26-33, Applicants respectfully disagree that the combination and subcombination have separate particulars and utility. Therefore, Applicants accept the constructive election of Group II, but with traverse. Applicants reserve the right to file claims 16, 17 and 26-33 in a continuation application.

35 U.S.C. § 102(b) Rejection

Claims 1, 3 and 7-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hullman et al. (Published Application No. 2005/0025603).

Hullman et al. was deemed to teach a device having a first wall (4) having an opening being substantially square shaped and having an upper linear edge and being intersected by a longitudinal axis of the rod hanger adapter, a second wall (3) spaced from and at least substantially parallel and connected to the first wall, wherein the second wall includes first portion of a slot being aligned with and intersected with the longitudinal axis of the rod hanger adapter, with a lower rounded edge, and a third wall (2) connecting the first wall (4) to the second wall (3), the third wall (2) which is substantially perpendicular to the first (4) and second walls (3) wherein a second portion of the slot is formed in the second wall extends into the third wall (2) and is aligned and intersected with by the longitudinal axis, and a fourth wall having a notch (15) formed on a lower edge of the fourth wall, with an upper linear edge, the fourth wall which is spaced from and substantially parallel to the second wall and a fifth wall connecting the second and fourth walls. Hullman et al. also

was deemed to disclose a longitudinal axis of the opening aligned with a longitudinal axis of the slot, and the longitudinal axis of the notch is aligned with a longitudinal axis of the opening.

The Examiner indicated that she did not give any patentable weight to the recitation of the rod hanger adapter in the preamble. The Examiner stated that a preamble is generally not accorded any patentable weight where it merely recites the purpose of a process of the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the structural limitations are able to stand alone.

The Examiner stated that if the limitations are intended to be given patentable weight, they must be recited as positive limitations in the body of the claim.

Accordingly, applicants have amended claim 1 to remove limitations from the preamble and place the limitations into the body of the claim. Therefore, claim 1 now recites "a body that is configured to mount to a side wall of an associated cabinet and receive an associated rod on which items can be hung." Applicants respectfully assert that the preamble no longer recites the intended use of the claim structure.

Additionally, Applicants respectfully submit that Hullman et al. fail to disclose a rod hanger adapter according to all the limitations of claim 1. Applicants have previously asserted (in the Amendment dated August 30, 2005) and respectfully assert now that the narrow slot in third wall (2) disclosed by Hullman is not "configured to receive an associated rod" as recited in claim 1. The slot is not intended to receive a rod, and is not large enough to receive a rod. Furthermore, Hullman et al. is directed to a fixing clamp for anchoring a component in a hole in a support plate, such as fixing a handle on a motor vehicle ceiling.

There is simply no teaching or suggestion in Hullman et al. of using the fixing clamp to receive a rod and be fixed on a side wall of a cabinet. Accordingly, Applicants respectfully submit that claim 1, and its dependent claims 3, 7-9 and 13, are in condition for allowance.

35 U.S.C. § 103(a) Rejections

Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hullman et al.

Hullman et al. was deemed to teach the basic inventive concept including that the device is made of one piece, but does not specifically teach that the device is made from metal. The Examiner stated that it would have been obvious to use any suitable material for making the device. Claim 13 depends from amended claim 1 and is considered to be in condition for allowance.

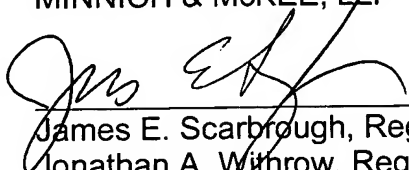
CONCLUSION

For the reasons detailed above, it is submitted that all claims remaining in the application are now in condition for allowance. Accordingly, an early indication of the same is earnestly solicited. In any event, should the Examiner find that she is unable to allow the claims in the pending application, she is encouraged to telephone James Scarbrough at the number listed below.

Respectfully submitted,

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September 18, 2006
Date


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CERTIFICATE OF MAILING OR TRANSMISSION

Under 37 C.F.R. § 1.8, I certify that this Amendment C is being

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